

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

Rejections under 35 USC § 102

The rejection of claims 1, 2, 4 and 5 under 35 USC 102(b) as being anticipated by Doniger, 3892373, is respectfully traversed.

In this rejection it is advanced that Doniger discloses:

capturing a predetermined vertical profile segment aircraft in a capture zone by applying a transition between a guidance submode which the aircraft is in and the guidance submode adapted to the following of the vertical profile segment to be captured determining the width of the capture zone as a function of the height h of the vertical profile to be captured and of **the speed v which the aircraft has when plumb with this height** when the aircraft is not on the profile or at this height when the aircraft is on the profile; and **the width of the capture zone is determined as a function of the height h and of the square of the speed v** on column 4 and on lines 25-28, on column 5. (Emphasis added)

However, Applicant submits that the speed v which the aircraft has when plumb with the height h of the vertical profile to be captured, is not at all disclosed at the recited sections of the Doniger reference. Column 5, lines 25-28 are such as to set forth:

Prior to beam capture, when aircraft 2 is **far from beam centerline** 4, the filtered displacement signal portion of signal θ_c overrides the rate signal portion h_c . The rate portion is substantially constant and is proportional to the ground speed of aircraft 2 since it is a measure of the closing rate of the aircraft to the beam centerline. (Emphasis added)

In light of this, it is not possible for this speed to occur in a position which is “plumb” over a distance above or below the glide path centerline 4 because it is far from the beam center line and is closing on the center line.

Of course, since this situation is such that the aircraft is far from the centerline, there is no relationship other than the ground which has any direct relevance to the situation and thus the ground speed is the speed parameter which is disclosed at this section of the Doniger reference.

Inasmuch as the word “speed” does not occur anywhere in column 4, it is not seen that the alleged disclosure of a parameter such as the “square of the speed” can be even remotely suggested let alone disclosed to the degree that a *prima facie* anticipation rejection can be made out. Indeed, the word “speed” occurs only twice in this reference. Once in connection with “vertical speed hold” (viz., altitude) and the other in connection with ground speed (noted above). This renders the rejection totally untenable. The word “plumb” or anything remotely similar is not found in the Doniger reference.

Thus, the rejection appears for all intents and purposes to be nothing more than a regurgitation of the claims and a citation of a passage or passages of the Doniger reference where the word “speed” is found.

If this anticipation rejection is to be maintained it is imperative that the subject matter which is claimed be clearly indicated as being disclosed in the Doniger reference and preferably quoted *verbatim* in any subsequent office action.

Rejections under 35 USC § 103

The rejection of claims 3 and 6 under 35 USC § 103(a) as being unpatentable over Doniger, as applied above in further view of Lambregts et al. 5079711, is respectfully traversed.

As noted above, the Doniger reference fails to anticipate the subject matter of claim 1. Therefore, there is nothing in Lambregts et al. that would assist in overcoming this shortcoming and therefore nothing that would assist in establishing a *prima facie* case of obviousness.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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